IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO: 4018 of 1996

Between:

Duripalli Lakshmikantham D/o Prakasham
R/o Dhonepalem, Rajavommangi (M),
East Godavari District.

... PETITIONER

AND

1 Joint Collector,
Kakinada
2 Sub-Collector,
Rampachodavaram, East Godavari District.
3 Mandal Revenue Officer,
Rajavomangi, E.G. Dist.
4 District Medical & Health Officer
Kakinada

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of certiorari or any other appropriate Writ, Order, or Direction quashing the orders of the Joint Collector, Kakinada dt: 17-11-1995 made in REF No.B2/1027/94 and for a consequential direction, directing the respndents to treat the petitioner as Valmiki, and pass such other order or orders that the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.LAKSHMANA SARMA
Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following:

O R D E R: -

Petitioner is employed in the Medical and Health Department as an Auxiliary Nurse Midwife (A.N.M). She assails the order of the first respondent, dated 17.11.1995, bearing Reference No.B2/10273/94, whereby the caste certificate issued by the Mandal Revenue Officer, Rajavommangi, in 1998, certifying her caste as "Valmiki", was cancelled, the petitioner declared as not belonging to the Valmiki (ST) community, and her caste was declared as Adi-Andhra (S.C).

2. The petitioner obtained employment in January, 1991, on the basis of the 1988 Caste Certificate issued by the M.R.O, Rajavommangi, certifying the petitioner as belonging to Valmiki (ST) community. It appears one Keelu Veera Raghavulu of Addateegala village, complained regarding the caste status of the petitioner contending that she belongs to the Adi-Andhra (SC) community, but obtained a false caste certificate and secured appointment as A.N.M under the ST quota. The complainant also asserted that the 1988 Certificate was issued by the M.R.O., on the basis of a circular of the Collector, East Godavari District, dated 20.02.1988, which circular was quashed by this Court in W.P.No.14817 of 1988.

3. Pursuant to the complaint of Veera Raghavulu, the matter was referred to the M.R.O., Rajavommangi in October, 1994, directing the said authority to conduct inquiry and submit a report. He submitted a report on 03.05.1995, and the Sub Collector, Rajavommangi also sent up the record of enquiry with his conclusion to the effect that the caste of the petitioner is Adi-Andhra (SC). Thereupon, the first respondent issued a Show Cause Notice, dated 23.08.1995 to the petitioner and also afforded an opportunity of personal hearing, which took place on 18.09.1995. The petitioner submitted her explanation at such inquiry before the first respondent, wherein she admitted that her educational career was based on entries in the school records as Adi-Andhra. The petitioner also admitted that the M.R.O., Rajavommangi issued the caste certificate, dated 28.06.1988, on the basis of the circular

instructions of the Collector, dated 20.02.1988. She also contended that she had married one Pudigi Rajulu, who belongs to Valmiki (ST) community, and that she had submitted all this information to the M.R.O., Rajavomangi, during the inquiry conducted by him.

4. On an analysis of the record of enquiry submitted by the Sub Collector and the M.R.O., and on the basis of the inquiry conducted by the first respondent including at the personal hearing afforded to the petitioner on 18.09.1995, the first respondent came to a conclusion that the petitioner does not belong to the Valmiki (SC) community and certified that the petitioner belongs to Adi-Andhra (SC) community.

5. The petitioner does not contend that the order of the first respondent is vitiated by any significant violation of the principles of natural justice, or that she has suffered prejudice on this account. What is contended is that on the material available with the first respondent, it is equally possible to conclude that the petitioner belongs to Valmiki (ST) community and that the first respondent erred in not giving due weightage to the statements of the villagers of Kondalingamparthi of Rajavommangi Mandal, who had deposed that Duripalli (same sur name as the petitioner) belong to Valmiki (ST) community and that they celebrate the festivals of Valmiki community.

6. Another contention urged is that in certain proceedings under the A.P. Scheduled Areas (LTR) Regulations, 1959, one Duripalli Yesudas (also bearing same sur name as the petitioner) was treated as belonging to Valmiki (ST) community. These two factors ought to have weighed with the first respondent and should have obligated him to conclude that the caste certificate issued by M.R.O, Rajavommangi in 1988, certifying her as belonging to Valmiki (ST) community, is not in error.

7. The writ petition is filed in the nature of a Writ of Certiorari against the order of the first respondent acting in a quasi-judicial capacity. The parameters of scrutiny by this Court under Article 226 of the Constitution of India, in such circumstances, is settled and is limited within a definite spectrum of scrutiny, as to whether the order of the first respondent is flawed on account of perverse appreciation of the evidence on record, is vitiated on account of non consideration of relevant material, on account of eschewing of relevant material, or on account of conclusions being based on no

evidence. As a complaint of violation of principles of natural justice is not urged, the above are the only circumstances on the basis of which this Court could interfere with the order of the first respondent. Adequacy of the evidence to sustain the conclusion arrived at, by the quasi judicial authority is not the function of this Court, as this Court is not constituted an appellate authority over the decision of the first respondent.

8. If the order of the first respondent is analyzed within the limited spectrum of scrutiny available to this Court as noticed above, it is clear that the order of the first respondent is based on relevant material. It is neither urged, or demonstrated to be invalid on account of non consideration of relevant material or consideration of irrelevant material. The conclusions are based on the material on record and the reasons recorded by the first respondent for the conclusion arrived at cannot be said to be perverse.

9. On the above analysis, this Court finds no error in the order of the first respondent to the extent, that the petitioner is declared as not belonging to the Valmiki (ST) community despite the certificate of the M.R.O., Rajavommangi, dated 28.06.1988.

10. In so far as the declaration in the impugned order that the petitioner belongs to Adi-Andhra (SC) community is concerned, the said declaration is beyond the scope of the authority and jurisdiction of the first respondent. Learned counsel for the petitioner Sri Lakshmana Sharma, rightly contends that the only question before the first respondent was as to the validity of the M.R.O., Rajavommangi's certificate, dated 28.06.1998, an independent analysis and conclusion as to the caste to which the petitioner belonged, whether an S.C or ST was not possible on the material available to the first respondent, and was not a decision within the jurisdiction and authority of the first respondent.

11. In the circumstances, this Court upholds the impugned order herein to the extent of the finding of the first respondent that the petitioner does not belong to the Valmiki (ST) community, and that the caste certificate issued by the M.R.O., Rajavommangi,

dated 28-6-1988 is canceled. The declaration that the petitioner belongs to the Adi-Andhra (SC) community is however beyond the scope of the 1st respondent's jurisdiction and is therefore set aside. The caste certificate, dated 28.06.1988, issued by the M.R.O., Rajavommangi is rightly set aside by the first respondent. Nothing in the order of the first respondent shall however, debar the petitioner from making such application or representations, as available in law, for seeking a valid community certificate from a competent authority.

12. The writ petition is disposed of as above. There shall however be no order as to costs.

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18.11.2004

Sd/-

ASSISTANT REGISTRAR

To

1 Joint Collector,
Kakinada
2 Sub-Collector,
Rampachodavaram, East Godavari District.
3 Mandal Revenue Officer,
Rajavomangi, E.G. Dist.
4 District Medical & Health Officer
Kakinada

5 2 CCs to G.P for Social Welfare, High Court Bldgs.,Hyd.(OUT)

6 2 CD copies

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